REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-3, 20, 27, 28, 34, and 65-73 are pending in the present application; Claims 1 and 67 are amended; and Claims 4-12, 18, 19, 21-26, 29-33, 35, 38-47, 51-53, and 55-64 have been previously cancelled without prejudice. Support for changes to Claims 1 and 67 is found in Applicant's Figure 1 and the corresponding written description in the specification. No new matter is added.

By way of summary, the Official Action presents the following issues: Claims 1-3, 20, 27, 28, 65, 67-71, and 73 stand rejected under 35 U.S.C. § 112, second paragraph; and\ Claims 1-3, 20, 27, 28, 65, 67-71, and 73 stand rejected under 35 U.S.C. § 102(e) as being unpatentable over U.S. Patent No. 6,473,645 to Levine.

Rejection under 35 U.S.C. § 112, second paragraph

Applicant respectfully traverse the rejection of the claims under 35 U.S.C. § 112, second paragraph.

The outstanding Official Action asserts that the first axis "spanning anterior and posterior extremes of a right ventricular septum," as recited in Claims 1 and 67, is indefinite because "[i]t is unclear whether the right 'ventricle electrode' (138) actually lies on the interventricular septum because it appears to only contact the right ventricle outer wall."

However, Applicant submits that the specification discloses at least at page 10, lines 19-20 that "one of ordinary skill in the art would also recognize that the electrodes may be placed at a variety of locations in heart 102." Accordingly, Applicant submits that one of ordinary skill in the art would understand that in light of the specification, a first axis spans "anterior and posterior extremes of a right ventricular septum."

Thus, Applicant respectfully requests that the rejection of Claims 1-3, 20, 27, 28, 65, 67-71, and 73 under 35 U.S.C. § 112, second paragraph be withdrawn.

Rejection under 35 U.S.C. § 102(e)

Applicant respectfully traverses the rejection of the claims under 35 U.S.C. § 102(e) with respect to amended independent Claims 1 and 67.

Applicant's amended Claim 1 recites, *inter alia*, a method of configuring signaling locations within a heart to monitor hemodynamic performance, including:

> positioning signaling electrodes through a catheter forming a T-junction in the right atrium, the T-junction providing a plurality of connection paths for said signaling electrodes along a first and second axis interior to the heart, the second axis being within or around the left ventricle and being substantially horizontal with respect to the first axis, the first axis spanning anterior and posterior extremes of a right ventricular septum of the heart, the first axis being longer than the second axis; . . .

Turning now to the applied reference, Figure 1 of Levine illustrates a stimulation device 10 in electrical communication with the patient's heart 12 by way three leads 20, 24, and 30. Levine describes that the right ventricular lead 30 is transvenously inserted into the heart 12 to place a right ventricular tip electrode 32 in the right ventricular apex. Figure 1 of Levine also illustrates the coronary sinus lead 24 connected to a left ventricular tip electrode 26 via a left atrial ring electrode 27 and a left atrial coil electrode 28.[1]

Claim 1 is distinguishable over Levine as the applied reference fails to disclose or suggest *positioning signaling electrodes through a catheter forming a T-junction in the right atrium*. Figure 1 of Levine merely illustrates that the three leads 20, 24, and 30 enter the heart through the superior vena cava. However, Levine fails to disclose or suggest that the three leads are positioned *through a catheter*.

[1] See Levine at column 8, lines 12-38.

Furthermore, Figure 1 of Levine illustrates that the sinus lead 24 enters a structure and connects to the left ventricular tip electrode 26 via the left atrial ring electrode 27 and a left atrial coil electrode 28. However, Levine fails to disclose or suggest that this structure *provides a plurality of connection paths*. That is, this structure provides a single path starting from the right atrium and ending in the left ventricle. Additionally, Levine fails to disclose suggest that this structure forms *a T-junction in the right atrium.*

Accordingly, Applicant submits that Levine fails to disclose or suggest all the features of Claim 1. Thus, Applicant respectfully requests that the rejection of Claim 1, and claims depending therefrom, under 35 U.S.C. § 102(e) be withdrawn.

As independent Claim 67 recites features analogous to Claim 1, Applicant submits that Levine fails to disclose or suggest all the features of Claim 67. Thus, Applicant respectfully requests that the rejection of Claim 67, and claims depending therefrom, under 35 U.S.C. § 102(e) be withdrawn.

Consequently, in view of the foregoing amendment and remarks, it is respectfully submitted that the present application, including Claims 1-3, 20, 27, 28, 34, and 65-73 are patentably distinguished over the prior art, in condition for allowance, and such action is respectfully requested at an early date.

Respectfully submitted,

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